

JOYCE R. BRANDA
Acting Assistant Attorney General
WILLIAM C. PEACHEY
Director
COLIN A. KISOR
Deputy Director
DANIELLE K. SCHUESSLER
Trial Attorney
United States Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Tel. (202) 305-9698
Fax (202) 305-7000
Email: danielle.k.schuessler@usdoj.gov

DANIEL G. BOGDEN
United States Attorney
District of Nevada
ROGER W. WENTHE
Assistant United States Attorney
Nevada Bar No. 8920
United States Attorney's Office
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
Tel: 702-388-6336
Fax: 702-388-6787
Email: roger.wenthe@usdoj.gov

Attorneys for the United States.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
RAZVAN MARCU,)
)
Defendant.)

CASE NO. 2:14-cv-159-RFB-CWH

PLAINTIFF'S MOTION FOR A SIXTY-DAY EXTENSION OF DISCOVERY

The United States, by its undersigned attorneys, hereby submits a Motion for a Sixty-Day Extension of Discovery and Proposed Discovery Order, pursuant to Federal Rule of Civil

1 Procedure 26. Discovery is currently scheduled to close on January 30, 2015. Therefore, the
2 Plaintiff requests that the discovery deadline be extended to March 31, 2015.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 This is an action by the United States to denaturalize the Defendant. The Defendant was
5 incarcerated, but is now residing in a halfway house, through a federal residential reentry
6 program ("RRM Phoenix"), at an undisclosed address. Defendant's mail must go through RRM
7 Phoenix, 230 N. First Ave., Suite 405, Phoenix, AZ 85003. As Defendant is not incarcerated, an
8 extension would not prejudice him or the defense of his case.

9
10 Plaintiff served Defendant, who is *pro se*, with discovery request on December 19, 2014,
11 and has a deposition scheduled with Defendant for January 22, 2015. However, Plaintiff
12 requests a sixty-day extension for the following reasons:

- 13 • Plaintiff's lead counsel, Danielle K. Schuessler, is working with the Assistant U.S.
14 Attorney in the Southern District of New York, who was the lead attorney for
15 Defendant's conviction for Conspiracy to Commit Wire Fraud, in order to find co-
16 conspirators, witnesses, and confirm further evidence. Ms. Schuessler has discovered
17 a number of co-conspirators she would like find and speak with, but the Assistant
18 U.S. Attorney has been in trial from about December 10, 2014, to December 18,
19 2014, which has inhibited communication.
20
- 21 • Ms. Schuessler has also submitted a request, through the U.S. Attorney's Office for
22 the Southern District of New York, for a sealed list of victims from Defendant's
23 conviction in that district, which will likely turn up witnesses with relevant
24 information.
25
26

- Ms. Schuessler also sent an official written request to the Federal Parole and Probation Office of Nevada to obtain information about Defendant and a potential witness. Ms. Schuessler was able to speak with the parole officer of the potential witness, but needs time to contact and set up a meeting with the witness.
- Ms. Schuessler has requested, and is waiting to receive, Defendant's Alien File ("A-File") from the U.S. Department of Homeland Security, Immigration and Customs Enforcement, but has been informed that, given the amount of people out of office through the holidays, she will likely not receive it until after January 2, 2015.
- Through discovery, Ms. Schuessler has learned that Defendant is divorced from his spouse, who petitioned for his lawful permanent resident status, and needs time to find and contact her as a potential witness.

As a result of these developments and the number of people with relevant information that will be out of the office or unreachable through the holidays, Plaintiff requests an extension of sixty days to complete discovery. Given that Defendant is no longer incarcerated, an extension would not be prejudicial.

Plaintiff therefore requests the following changes to the discovery schedule:

<u>Event</u>	<u>Current Due Date</u>	<u>REQUESTED DUE DATE</u>
Discovery Closes	January 30, 2015	March 31, 2015
Dispositive Motions Due	March 2, 2015	April 30, 2015
Joint Pretrial Order Due		
If no dispositive motions:	April 1, 2015	May 30, 2015
If dispositive motions filed:	30 days after disposition	No Change Requested

///

1 Date: December 22, 2014

Respectfully submitted,

2 JOYCE R. BRANDA
Acting Assistant Attorney General
3 Civil Division

4 WILLIAM C. PEACHEY
5 Director

6 COLIN A. KISOR
Deputy Director

7 s/ Danielle K. Schuessler
8 DANIELLE K. SCHUESSLER
Trial Attorney
9 United States Department of Justice
Office of Immigration Litigation
10 District Court Section
450 5th Street, N.W.
11 Washington, D.C. 20001
202-305-9698/ danielle.k.schuessler@usdoj.gov

13 DANIEL G. BOGDEN
14 United States Attorney

15 /s/ Roger W. Wenthe
16 ROGER W. WENTHE
Assistant United States Attorney

17 Attorneys for the United States

18
19 IT IS SO ORDERED.

20 Date: December 23, 2014

21 
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the party shown, by the method shown, on the date shown.

First Class Mail

Razvan Marcu
Register No. 46132-048
RRM Phoenix
230 N. First Ave., Suite 405
Phoenix, AZ 85003

Dated: December 22, 2014

s/ Danielle K. Schuessler
DANIELLE K. SCHUESSLER
Trial Attorney
United States Department of Justice
Office of Immigration Litigation
District Court Section
450 5th Street, N.W.
Washington, D.C. 20001
202-305-9698/ danielle.k.schuessler@usdoj.gov

Counsel for Plaintiff